

DOCKETED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE MAGNAVOX COMPANY,)
a Corporation, and)
SANDERS ASSOCIATES, INC.,)
a Corporation,)
Plaintiffs,)
v.)
CHICAGO DYNAMICS INDUSTRIES,)
INC., a Corporation, et al,)
Defendants.)

CONSOLIDATED CIVIL
ACTIONS NOS.

74 C 1030 ✓
74 C 2510 ✓

DEFENDANTS' RESPONSES TO PLAINTIFFS' INTERROGATORIES NOS. 215-219

The defendants, through their undersigned attorneys, respond to plaintiffs' interrogatories Nos. 215 through 219.

The responses given with respect to specific claims are in accordance with the order of the Court as reflected in Mr. Anderson's letter of September 2, 1976, to Messrs. Goldenberg and Threedy.

Defendants object to these interrogatories as violating both the letter and the spirit of the order of the Court. Plaintiffs, in designating the claims to be compared, selected a number of claims which depend from as many as three other claims so that defendants would be required to furnish information about ten claims in Patent No. RE 28,507 and six claims in Patent No.

RE 28,598. The Court ordered defendants to respond as to six claims in Patent No. RE 28,507 and four claims in Patent No. RE 28,598. Defendants will supply information with respect to the number of claims specified by order of the Court except in those cases where supplying information about additional claims does not impose an unreasonable burden upon the defendants.

Interrogatory No. 215. Identify all patents, publications, instances of prior invention, knowledge, prior public use or sale or placing on sale, or any other form of evidence of prior art upon which defendants intend to rely as relevant to the patentability of the claims of U.S. Patent 3,659,284 and its Reissue 28,507 and U.S. Patent No. 3,659,285 and its Reissue 28,598 alleged by plaintiffs as infringed by defendants, i.e., claims 25, 28, 29, 31, 32, 44, 45, 51, 54, 55, 57, 60, 61, 62, 63, and 64 (and as to defendant Chicago Dynamic Industries, Inc. only, claims 26 and 52) of Reissue 28,507, and claims 1, 2, 5, 6, 13, 14, 15, and 16 of Reissue 28,598.

Response. The information sought by this interrogatory is provided in the "Notice by the Defendants of Prior Art Pursuant to 35 U.S.C. §282 served on plaintiffs on October 1, 1976.

Interrogatory No. 216. Answering separately as to each item identified in response to interrogatory 215 and as to each claim identified in interrogatory 215, state where in that item there is disclosed each separate element of that claim.

Response.

U.S. Patent No. 3,728,480

Claim 32 of Patent
No. RE 28,507

In combination with a standard television receiver apparatus for generating symbols upon the screen of the receiver to be manipulated by the participant, comprising:

means for generating a hitting symbol, and

means for generating a hit symbol including means for ascertaining coincidence between said hitting symbol and said hit symbol.

Figure 1 and related text of U.S. Patent No. 3,728,480.

Dot generator 34 or 35 and related text.

Dot generator 34 or 35 and coincidence detector 40 and related text.

Claim 45 of Patent No.
RE 28,507

Apparatus for playing a hockey type game upon the screen of a cathode ray tube, comprising:

means for displaying a first hitting spot;

means for displaying a hit spot;

means for controlling the position of said first and second hitting spots;

means for controlling the position of said hit spot including means for ascertaining coincidence between either of said hitting spots and said hit spot,

Patent No. 3,728,480 discloses apparatus for playing games upon the screen of a cathode ray tube.

Figure 3 of Patent No. 3,728,480, dot generator 34 or 35.

Figure 3, dot generator 34 or 35.

Figure 1 of Patent No. 3,728,480 discloses means for controlling the position of both spots.

Figure 3 of Patent No. 3,728,480. Each one of the spots generated by the apparatus shown in that Figure is considered a hit spot. There is a means shown for controlling its position and means 40 for ascertaining coincidence.

Claim 51 of Patent No.
RE 28,507

The elements of this claim are identical to the elements of Claim 25 and the information sought with respect to that claim is supplied above.

Claim 57 of Patent No.
RE 28,507

This claim depends from Claim 55 which, in turn, depends from Claim 54 which, in turn, depends from Claim 51. The information sought with respect to Claim 51 is supplied as stated above. Insofar as Claim 54 is concerned, attention is directed to Figure 1 wherein the potentiometer knobs are the means specified. With respect to Claim 55, attention is directed to column 12, lines 60-64 of Patent No. 3,728,480. Claim 57 is a nullity as it is a repetition of the second means clause of Claim 51.

Claim 60 of Patent No.
RE 28,507

Apparatus for playing games by displaying and manipulating symbols on the screen of a cathode ray tube comprising:

means for generating vertical and horizontal synchronization signals;

means responsive to said synchronization signals for deflecting the beam of said cathode ray tube to generate a raster on said screen;

Figure 1 of Patent No. 3,728,480.

Figure 3 of Patent No. 3,728,480, elements 31 and 32.

Figure 3 of Patent No. 3,728,480 and associated text.

means coupled to said synchronization signal generating means and said cathode ray tube for generating a first symbol on said screen at a position which is directly controlled by a player;

elements 34 or 35 of Patent No. 3,728,480.

means coupled to said synchronization signal generating means and said cathode ray tube for generating a second symbol on said screen which is movable;

Figure 3 of Patent No. 3,728,480, element 34 or 35.

means coupled to said first symbol generating means and said second symbol generating means for determining first coincidence between said first symbol and said second symbol; and

Element 40 of Patent No. 3,728,480.

Claim 1 of Patent No.
RE 28, 598

The apparatus disclosed in Patent No. 3,728,480 discloses each and every means of this claim except a hit symbol generator and the means set forth in column 23, lines 22 through 28. See Figures 6A and 6B for the square horizontal and vertical pulse trains. The identification of the remaining elements of this claim have already been indicated.

Claim 6 of Patent No.
RE 28,598

Except for a fixed hit symbol and means for denoting coincidence between a movable hit symbol and the fixed hit symbol and means for causing the movable hit symbol to move away from the fixed hit symbol upon coincidence, the presence of every other element of this claim in Patent No. 3,728,480 has already been indicated.

Claim 13 of Patent No.
RE 28,598

Every element of this claim is shown in Patent No. 3,728,480. It is the defendants' position that upon coincidence in the '480 patent when one dot disappears its motion is altered.

Claim 16 of Patent No.
RE 28,598

Defendants object to this portion of the interrogatory for the reasons stated in the preamble to these responses. Claim 16 depends from Claims 15 and 13.

The "University of Michigan Pool Game"

This game included all of the various claim elements in that it was a game for playing pool on the screen of a cathode ray tube wherein hit and hitting spots were generated and displayed and upon coincidence motion was imparted to the hit spots and wherein the hit spots bounced away from predetermined portions of the screen, i.e., the sides of the pool table. It did not

include such claim elements as the use of a raster scan and means for generating vertical and horizontal trains of square pulses.

MIT and Stanford "Space War"

This prior art game had all of the claim elements except such elements as trains of square wave pulses and raster scan display.

Patent No. 3,659,284

This patent discloses all of the elements of the various claims of Patent No. RE 28,598 except that it does not disclose means for generating trains of square pulses and does not disclose means for generating a fixed hit symbol.

Other Patents

The other patents relied upon by the defendants disclose that long before the application dates of the patent in suit it was well known in the art to display on the screen of cathode ray tubes various symbols and to move those symbols around under the control of an operator. Further, these patents show that it was well known that this could be done using raster scan display techniques.

Offer for Sale to TelePrompter

In January or February of 1968, as presently advised, the invention claimed in Patent No. 3,659,284 was offered for sale to TelePrompter. The device offered included every element of those claims designated for response.

Interrogatory No. 217. Answering separately as to each item identified in response to interrogatory 215 which is an electric circuit or is or includes an electric circuit diagram and as to each claim identified in interrogatory 215, specifically point out the components or groups of components which defendant alleges correspond to each element of that claim.

Response. This interrogatory has been answered in substantial part by the answer to Interrogatory No. 216. Further answering, it is defendants' position that Patent No. 2,784,247 discloses a means for generating a symbol to be displayed on the screen of a television receiver which includes a coincidence gate 16, horizontal and vertical multivibrators 5 and 8, and means for generating horizontal and vertical trains of square wave pulses.

Patent No. 3,122,607 shows, in Figure 1, a circuit for displaying movable symbols on the screen of a cathode ray tube using raster scan wherein operator control potentiometers control the position of the displayed symbols.

Interrogatory No. 218. Answering separately as to each item identified in response to interrogatory 215 or each combination of such items on which defendant intends to rely as relevant to the patentability of the claims identified in interrogatory 215, state all facts, reasons, and grounds upon which defendants will rely in support of its contention that the subject matter of

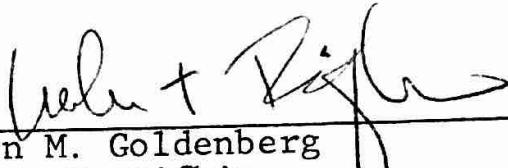
the claims identified in interrogatory 215 would have been obvious at the time the invention was made to a person having ordinary skill in the art.

Response. As presently advised, defendants contend that Patent No. 3,728,480 is prior art with respect to the patents in suit and that it discloses each and every element of the various claims in suit except that in the case of Patent No. RE 28,507 it does not disclose a hit symbol bouncing off of a hitting symbol and in the case of Patent No. RE 28,598 it does not disclose a hit symbol bouncing off of a hit symbol or a fixed hit symbol. These features are shown in Space War and in the University of Michigan Pool Game. It is the defendants' position that it would have been obvious for someone who wanted to incorporate such features in a device otherwise built according to Patent No. 3,728,480 to do so when one considers that the use of raster scan display techniques were well known in the art and further that the prior art patents cited teach that raster scan display techniques could be used to generate movable symbols on the screens of cathode ray tubes. All of the foregoing was known in the art prior to any dates of alleged invention that can be claimed by the patentees of the patents in suit. The defendants reserve the right to supplement their response to this interrogatory in the event that prior to the trial of this case additional reasons or grounds are discovered. In addition, defendants reserve the right to advance at time of trial such further and additional reasons as may be warranted by the evidence adduced.

Interrogatory No. 219. State what defendant contends was the level of ordinary skill in the art to which the patents in suit pertain at the times the invention thereof were made.

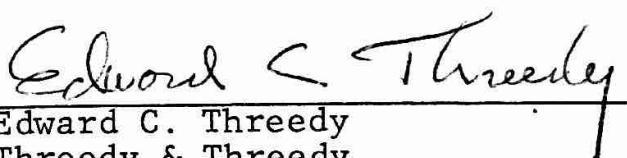
Response. A graduate electrical engineer having a number of years experience in the design and/or use of cathode ray tube display devices and circuits used for generating symbols, wave forms and the like on such devices.

October 5, 1976



Melvin M. Goldenberg
William T. Rifkin
McDougall, Hersh & Scott
135 S. LaSalle Street
Chicago, Illinois 60603
Attorneys for Defendants
The Seeburg Corporation of Delaware
and World Wide Distributors, Inc.

October 5, 1976



Edward C. Threedy
Threedy & Threedy
111 W. Washington Street
Chicago, Illinois 60602
Attorney for Defendant
Chicago Dynamics Industries, Inc.